

ASSEMBLY BILL

No. 1661

Introduced by Assembly Member Alquist

January 12, 1998

An act to amend Sections 4502 and 4503 of, and to add Section 4015 to, the Family Code, relating to child support.

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, as introduced, Alquist. Child support: interest and attorney's fees.

Existing law provides that, in any proceeding where support of a child is at issue, the court may order either or both parents to pay child support. Existing law also provides that a judgment for child, family, or spousal support is enforceable, and an action to recover an arrearage in child support payments may be brought at any time within the period for enforcement, until the judgment is paid in full.

This bill would require orders for child support to contain a provision that, if the obligor defaults, he or she must pay interest, attorney's fee, and collection costs incurred by the support obligee. The bill would also specify that interest, collection costs, and penalties are included in a judgment for child, family, or spousal support and are recoverable in an action to recover child support arrearages.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4015 is added to the Family
2 Code, to read:

3 4015. Any order for child support issued or modified
4 pursuant to this chapter shall include a provision
5 requiring the obligor, if he or she defaults in the payment
6 of support, to pay interest, as provided in Section 685.010
7 and subdivision (b) of Section 685.020 of the Code of Civil
8 Procedure, and to pay reasonable attorney's fees and
9 other collection costs incurred by the child support
10 obligee to enforce the order or otherwise obtain
11 payment.

12 SEC. 2. Section 4502 of the Family Code is amended
13 to read:

14 4502. Notwithstanding any other provision of law, a
15 judgment for child, family, or spousal support, including
16 a judgment for reimbursement or other arrearages, is
17 exempt from any requirement that judgments be
18 renewed. A judgment for child, family, or spousal
19 support, including all lawful interest, *collection costs*, and
20 penalties computed thereon, is enforceable until paid in
21 full.

22 SEC. 3. Section 4503 of the Family Code is amended
23 to read:

24 4503. If a parent has been ordered to make payments
25 for the support of a minor child, an action to recover an
26 arrearage in those payments, *including all lawful interest,*
27 *collection costs, and penalties computed thereon,* may be
28 maintained at any time within the period otherwise
29 specified for the enforcement of ~~such~~—*a the* judgment,
30 notwithstanding the fact that the child has attained the
31 age of 18 years.

